

1371.

APPROVAL, BONDS OF PLEASANT TOWNSHIP RURAL SCHOOL DISTRICT, MARION COUNTY—\$6,700.00.

COLUMBUS, OHIO, December 15, 1927.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

1372.

APPROVAL, BONDS OF BIDWELL-PORTER SPECIAL SCHOOL DISTRICT, GALLIA COUNTY—\$30,900.00.

COLUMBUS, OHIO, December 15, 1927.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

1373.

APPROVAL, BONDS OF GUSTAVUS TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY—\$84,500.00.

COLUMBUS, OHIO, December 15, 1927.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

1374.

BOARDS OF HEALTH—BOARDS OF EDUCATION—EMPLOYMENT AND COMPENSATION OF DENTISTS FOR SUPERVISION OF SCHOOL CHILDREN, DISCUSSED.

SYLLABUS:

1. *Boards of health have the authority to employ dentists and dental hygienists in the exercise of their function of providing for the dental supervision of school children.*

2. *A board of education may, by authority of Section 7693, General Code, pay a part of the compensation of dentists and dental hygienists employed by a board of health for the purpose of providing dental supervision of school children.*

COLUMBUS, OHIO, December 15, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN :—This will acknowledge receipt of your letter requesting my opinion, as follows:

“Section 1261-26 of the General Code provides that a district board of health may also provide for the medical and dental supervision of school children.

Question 1. Does this provision, or any other provision of law, authorize the board of health of a city to employ a dentist for the inspection of school children?

Question 2. If your reply to our first question is in the affirmative, may the board of education of a city school district by virtue of the provisions of Section 7693, G. C., pay a part of the compensation of the dentist so employed by the city board of health?”

Section 1261-26, General Code, provides in part as follows:

“In addition to the duties now required of boards of health, it shall be the duty of each district board of health to study and record the prevalence of disease within its district and provide for the prompt diagnosis and control of communicable diseases. The district board of health may also provide for the medical and dental supervision of school children * * *.

Provided that in the medical supervision of school children as herein provided, no medical or surgical treatment shall be administered to any minor school child except upon the written request of a parent or guardian of such child * * *.”

Section 1320-2, General Code, provides in part as follows:

“A licensed dental hygienist may practice in a dental office, public or private school, hospital, dispensary or public institution, provided such service is rendered under the supervision of a licensed dentist of this state * * *.”

Section 7693, General Code, provides as follows:

“The board of education of any school district, may provide and pay compensation to the employes of the board of health in addition to that provided by the city, township or other municipality.”

Section 7693, supra, was formerly Section 4018a, Revised Statutes, and was first enacted in 1909, 100 O. L., page 12. The act of which it was a part was entitled:

“An act to supplement Section 4018 of the Revised Statutes of Ohio * * * providing for the health of pupils of public schools.”

The act itself related specifically to medical inspection of pupils in city school districts and to the employment of physicians for that purpose, either independently or in conjunction with boards of health or other boards or officers performing the functions of a board of health for such cities. For the purpose of inspection said act provided that in city school districts the board of education had the power to provide and pay compensation to the employes of the board of health in addition to that provided by the city. No mention was made in said act of dental supervision of pupils or the employment of dentists.

Section 7693, *supra*, was enacted in its present form in 1919, (108 O. L., page 898). As then enacted, its provisions were incorporated in an act relating to child welfare, which, among other things, authorized the employment of school physicians by boards of education, said physicians to have authority to make examinations and diagnoses of all children referred to them at the beginning of each school year and at other times if deemed advisable.

By the terms of the aforesaid act, authority to employ school physicians was extended to "Each and every board of education in this state." No mention is made therein of dental supervision or of the employment of dentists. At that time the care of the health was not so highly specialized as now, and medical care and supervision might well have been construed to include what is now generally considered dentistry and dental hygiene, although the authority to employ physicians then, as now, by the terms of Section 7692, General Code, provided that "Said school physician shall hold a license to practice medicine in Ohio."

Section 1261-26, *supra*, was enacted in 1919, and Section 1320-2, *supra*, in 1921. By the terms of these two statutes, it is clear that recognition was given to the distinction between medical and dental supervision and also that regularly licensed dental hygienists may practice in the public schools if under the supervision of a licensed dentist. However, at no place is authority given to a board of education to employ, in the first instance, either licensed dentists or dental hygienists.

The authority vested in boards of health to provide for dental supervision of school children, as provided in Section 1261-26, *supra*, and the extension of the right to dentists and dental hygienists to practice their professions in the public schools clearly authorizes boards of health to employ dentists and dental hygienists for that purpose.

This fact, coupled with the authority given to boards of education to exercise watchful care over the health of pupils, in co-operation with boards of health, by paying compensation to employes of boards of health in addition to that provided by said boards, as authorized by Section 7693, *supra*, leads me to the conclusion that a board of education may pay a part of the compensation of a licensed dentist or dental hygienist who has been employed by a board of health in its exercise of dental supervision of school children, and you are so advised in answer to your second question.

Summarizing and specifically answering your questions, it is my opinion that:

1. Boards of health have the authority to employ dentists and dental hygienists in the exercise of their function of providing for the dental supervision of school children.
2. A board of education may, by authority of Section 7693, General Code, pay a part of the compensation of dentists and dental hygienists employed by a board of health for the purpose of providing dental supervision of school children.

Respectfully,
EDWARD C. TURNER,
Attorney General.